

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

WARREN RICHARDS, *on behalf of*)
himself and all others similarly situated,)

Plaintiff,)

v.)

SHEIN DISTRIBUTION CORPORATION,)

Defendant.)

No: 1:25-cv-01385-TWP-TAB

Hon. Tanya Walton Pratt

Hon. Magistrate Tim A. Baker

ORAL ARGUMENT REQUESTED

**SHEIN DISTRIBUTION CORPORATION’S
MOTION TO DISMISS PURSUANT TO RULE 12(B)(6)**

Defendant Shein Distribution Corporation (“Shein”) respectfully moves this Court for an order dismissing Warren Richards’ claim with prejudice for failure to state a claim upon which relief can be granted pursuant to Federal Rule of Civil Procedure 12(b)(6). Specifically, and as detailed further in Shein’s Memorandum in support filed simultaneously herewith, Shein contends that Plaintiff’s single claim for violation of the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227(c)(5), does not apply to text messages—the only outreach at issue. Plaintiff cannot, as a result, state a claim for relief.

Dated: September 2, 2025

Respectfully submitted,

/s/ David M. Krueger

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Counsel for Shein Distribution Corporation

CERTIFICATE OF SERVICE

I, David M. Krueger, certify that on September 2, 2025, I filed Defendant Shein Distribution Corporation's Motion to Dismiss Pursuant to Rule 12(b)(6) with the Clerk of the Court using its CM/ECF system, which will automatically send electronic notification of this filing to all attorneys of record in this action.

/s/ David M. Krueger

David M. Krueger